



General Assembly

February Session, 2004

***Raised Bill No. 57***

LCO No. 234

\* \_\_\_\_\_SB00057LABGAE022504\_\_\_\_\_\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING DEBARMENT REFORM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-53a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) The State Comptroller or the contracting authority acting  
4 pursuant to section 31-53, as amended, is hereby authorized and  
5 directed to pay to mechanics, laborers and [workmen] workers from  
6 any accrued payments withheld under the terms of a contract  
7 terminated pursuant to subsection (b) of said section 31-53 any wages  
8 found to be due such mechanics, laborers and [workmen] workers  
9 pursuant to said section 31-53. The Labor Commissioner is further  
10 authorized and directed to distribute a list to all departments of the  
11 state and political subdivisions [thereof] of the state giving the names  
12 of persons or firms whom [he] the Labor Commissioner has found to  
13 have disregarded their obligations under said section 31-53 and section  
14 31-76c to employees and subcontractors on public works projects or to  
15 have been barred from federal government contracts in accordance  
16 with the provisions of the Davis-Bacon Act, 49 Stat. 1011 (1931), 40  
17 USC 276a-2.

18       **(b) (1) No contract shall be awarded by the state or any of its**  
19       **political subdivisions to the persons or firms appearing on [this] the**  
20       **list distributed by the Labor Commissioner pursuant to subsection (a)**  
21       **of this section** or to any firm, corporation, partnership, or association in  
22       which such persons or firms have an interest until a period of up to  
23       three years, as determined by the Labor Commissioner, has elapsed  
24       from the date of publication of the list containing the names of such  
25       persons or firms.

26       **(2) No general contractor that enters into a contract with the state or**  
27       **any of its agents, or with any political subdivision of the state or any of**  
28       **its agents, for the construction, remodeling, refinishing, refurbishing,**  
29       **rehabilitation, alteration or repair of any public works project subject**  
30       **to the provisions of section 31-53, as amended, or for any state**  
31       **highway project that falls under the provisions of section 31-54, shall**  
32       **award any work under such contract to the persons or firms appearing**  
33       **on the list distributed by the Labor Commissioner pursuant to**  
34       **subsection (a) of this section or to any firm, corporation, partnership or**  
35       **association in which such persons or firms have an interest until a**  
36       **period of up to three years, as determined by the Labor Commissioner,**  
37       **has elapsed from the date of publication of the list containing the**  
38       **names of such persons or firms.**

39       **(3) Prior to performing any work under a contract for the**  
40       **construction, remodeling, refinishing, refurbishing, rehabilitation,**  
41       **alteration or repair of any public works project subject to the**  
42       **provisions of section 31-53, as amended, or for any state highway**  
43       **project that falls under the provisions of section 31-54, each person,**  
44       **firm, corporation, partnership or association engaged by a general**  
45       **contractor to perform such work shall submit a sworn affidavit to the**  
46       **general contractor attesting that such person, firm, corporation,**  
47       **partnership or association does not hold an interest of ten per cent or**  
48       **greater in a firm appearing on the list distributed by the Labor**  
49       **Commissioner pursuant to subsection (a) of this section. The receipt**  
50       **and retention by a general contractor of such sworn affidavit shall**

51 fulfill the general contractor's obligation under subdivision (2) of this  
52 subsection.

53 (4) Any person or firm that appears on the list distributed by the  
54 Labor Commissioner pursuant to subsection (a) of this section, for a  
55 period of up to three years from the date of publication of such list,  
56 shall be liable to the Labor Department for a civil penalty of one  
57 thousand dollars for each day or part of a day in which such person or  
58 firm performs any work under any contract with the state or any of its  
59 agents, or with any political subdivision of the state or any of its  
60 agents, for the construction, remodeling, refinishing, refurbishing,  
61 rehabilitation, alteration or repair of any public works project subject  
62 to the provisions of section 31-53, as amended, or any state highway  
63 project that falls under the provisions of section 31-54. The Attorney  
64 General, upon complaint of the Labor Commissioner, shall institute a  
65 civil action to recover such civil penalty. Any amount recovered shall  
66 be deposited in the General Fund and credited to a separate  
67 nonlapsing appropriation to the Labor Department, for other current  
68 expenses, and may be used by the Labor Department to enforce the  
69 provisions of part III of chapter 557. As used in this subdivision,  
70 "person or firm" includes any firm, corporation, partnership or  
71 association in which a person or firm appearing on the list distributed  
72 by the Labor Commissioner pursuant to subsection (a) of this section  
73 holds an interest of ten per cent or greater.

74 [(b)] (c) If the accrued payments withheld under the terms of a  
75 contract terminated pursuant to subsection (b) of section 31-53 are  
76 insufficient to reimburse all the mechanics, laborers and [workmen]  
77 workers with respect to whom there has been a failure to pay the  
78 wages required pursuant to said section 31-53, such mechanics,  
79 laborers and [workmen] workers shall have the right of action and of  
80 intervention against the contractor and [his] the contractor's sureties  
81 conferred by law upon persons furnishing labor or materials, and in  
82 such proceedings it shall be no defense that such mechanics, laborers  
83 and [workmen] workers accepted or agreed to accept less than the

84 required wages or that such persons voluntarily made refunds.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

***LAB***

***Joint Favorable C/R***

***GAE***